



Meeting Date: 9/20/2011

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Brian Foote AICP, Associate Planner Agenda Item No. L-2

Reviewed By: City Manager City Attorney SMF Finance PC Other (Specify) _____

DATE: September 1, 2011

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager Development Services Department

SUBJECT: The Anacapa Townhomes Project – Planning & Zoning Permit Nos. 08-400-04 (Coastal Development Permit), 09-300-01 (Tentative Subdivision Map), and 09-590-01 (Coastal Zone Variance) Located at the Northeast Corner of Harbor Boulevard and Wooley Road. Filed by Oxnard Shores Co., LLC.

RECOMMENDATION

That City Council:

1. Adopt a resolution approving the Tentative Subdivision Map for Tract 5843 (PZ No. 09-300-01), subject to the conditions set forth in Planning Commission Resolution No. 2010-16, and additional traffic conditions;
2. Adopt a resolution upholding the Planning Commission’s approval of the Coastal Development Permit (PZ No. 08-400-04), subject to the conditions set forth in Planning Commission Resolution No. 2010-15, and additional traffic conditions; and
3. Adopt a resolution upholding the Planning Commission’s approval of the Coastal Zone Variance (PZ No. 09-590-01), subject to the conditions set forth in Planning Commission Resolution No. 2010-17.

DISCUSSION

On September 28, 2010, the City Council reviewed the Anacapa Townhomes project, and requested additional roadway improvements in conjunction with the project. The Council requested that the following issues be addressed in the conditions of approval: new turn lanes on Wooley Road to Canal Street; widen and improve Wooley Road to include traffic lanes, bicycle lanes, and sidewalk in accordance with engineering design standards.

To address these issues, the City Traffic Engineer and staff added conditions of approval 1-6 (*infra*) to be added to the City Council resolutions for the Tentative Map and Coastal Development Permit. The Developer has agreed to the conditions, and the revised plans (Attachments 2 and 3) demonstrate that the specified improvements can be incorporated into the project design. The conditions specify the dimensions of Wooley Road and reconfiguration of the easterly leg of the Harbor Boulevard/Wooley

Road intersection (1, *infra*). Also required is widening Wooley Road on the north side for the entire length between Harbor Boulevard and the Edison Canal bridge. The Developer now proposes a right-of-way easement on the north side of Wooley Road to accommodate the interim improvements adjacent to the bridge, adding a right-turn lane on westbound Wooley Road to Canal Street, adding a left-turn pocket on eastbound Wooley Road to Canal Street, and appropriate transitioning (narrowing) of lanes between Canal Street and the Edison Canal bridge (2, *infra*). All construction must be completed prior to occupancy of the first dwelling unit.

1. Developer shall design and construct interim Wooley Road improvements. Improvements shall accommodate one 12-foot wide driving lane in each direction, a painted center median that provides a 10-foot wide eastbound left-turn lane at Canal Street and a 12-foot wide westbound left turn lane at Harbor Boulevard. Bicycle lanes shall be constructed to accommodate 6-foot wide bicycle lanes in each direction between Harbor Boulevard and Canal Street and 5-foot wide bicycle lanes in each direction between Canal Street and 300-feet east of Chesapeake Drive. Pedestrian access shall be constructed to accommodate a minimum 7-foot wide sidewalk on the north side of Wooley Road along the project frontage. The existing 5-foot wide asphalt sidewalk on the south side of the road shall remain. The total improvement width on Wooley Road from the back of asphalt sidewalk on the south side of the street to back of sidewalk on the north side of the street shall vary between 57-feet at Harbor Boulevard to 56-feet at Canal Street. Wooley Road within 200 feet of the easterly leg of the Wooley Road and Harbor Boulevard intersection shall be designed to accommodate a 12-foot driving lane in each direction, a 12-foot wide westbound left turn lane, a 5-foot wide westbound through bicycle lane, a 6-foot wide eastbound bicycle lane and a 7-foot wide sidewalk on the north side of the street. Improvements between Chesapeake Drive and the project frontage shall be constructed by the Developer as required to provide standard traffic bicycle lane transitions. (TR)
2. Between Canal Street and the Edison Canal Bridge, the Developer shall provide a painted island separating opposing traffic that flairs from the existing centerline on the bridge to 8-foot wide approximately 50-feet east of the Canal Street centerline. Travel lanes between Canal Street and the bridge shall be 12-feet wide and the bicycle lane shall be a minimum of 5-feet wide with appropriate transitions between the new installation and the existing. The northerly bicycle lane striping shall conform to MUTCD standards with dashed striping for right turns into Canal Street beginning approximately 100-feet east of Canal Street. The east leg of Wooley Road at Canal Street shall include a 10-foot wide white ladder style crosswalk going north and south. To emphasize the crosswalk, the Developer shall install a flashing yellow solar powered beacon facing east and west at the center of the proposed 8-foot raised median island on Wooley Road. In addition, fluorescent yellow signs and white thermoplastic pavement markings that conform to MUTCD standards shall be installed in advance of the crosswalk which location shall be approved by the City Traffic Engineer. Developer shall also construct a raised concrete median (area of pedestrian refuge) on both sides of the striped crosswalk. Final design of roadway improvements including temporary transitions, shall be subject to approval by the City Traffic Engineer. Only roadway improvements that are permanent and will remain in place when Wooley Road is widened to its ultimate width are eligible for reimbursement under the City's Circulation System Improvement Fund. (TR)

3. Developer shall relocate traffic signal poles, adjust intersection striping, and modify existing signal equipment at the intersection of Harbor Boulevard and Wooley Road to accommodate required street improvements. Signal Poles and equipment must be placed in their ultimate location to be reimbursable under the City's Circulation System Improvement Fund. (TR)
4. Developer shall acquire, and dedicate to the City, all additional right-of-way required to encompass the construction of Wooley Road required by these conditions. (TR)
5. Engineering plans for offsite and frontage improvements, including but not limited to widening of Wooley Road, shall be approved by the Development Services Department prior to recordation of a Final Map. Concurrent with recordation of the final map, Developer shall provide security guaranteeing offsite and frontage improvements. Construction of offsite and frontage improvements shall be completed prior to occupancy of the first dwelling unit. All required improvements shall be implemented to the satisfaction of the Development Services Manager. (DS)
6. Developer shall obtain a coastal permit from the Coastal Commission, if applicable, for the widening of Wooley Road on the canal property within the permit jurisdiction of the Coastal Commission. (PL)

The above-referenced conditions will require an easement for right-of-way encroachment over the canal property, approximately three feet in width for the future sidewalk on the north side of Wooley Road westerly of the bridge. The adjacent canal property is located within the Coastal Commission's permit jurisdiction, and the Commission may require the Developer to apply for a coastal permit for the proposed roadway construction, or alternatively, to waive the requirement for a permit. A condition of approval (6, *supra*) has been added to the resolution approving the tentative map that requires the Developer to obtain a coastal permit directly from the Coastal Commission, if applicable. The Developer's consultant biologist has evaluated the canal property and determined that no biological resources will be affected by the proposed road widening; the consultant's assessment has been reviewed and verified by the City's contract biologist. Planning staff has determined that the findings and recommendations of the Initial Study/MND remain unchanged as a result of the specified widening of Wooley Road. Therefore, staff recommends that the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program be adopted in conjunction with the proposed Addendum to the MND.

In order to accommodate the specified improvements listed above, a number of minor changes were made to the site plan (Coastal Development Permit and Coastal Zone Variance). The above-referenced site changes primarily affected the placement of structures on the site (i.e. to provide the required front yard setback areas). The changes to the structure placement subsequently affected the design of the on-site parking and landscaping. The site changes are summarized as follows: reduction to the interior yard space area (25% required and 26% provided); and additional encroachments into the required yard setbacks by exterior walls and stairways. The variance request has been modified to include the following setbacks: the encroachment into the rear setback will increase by five additional feet for Buildings 3 & 4; Building 5 exterior walls will encroach three feet into the front setback and six feet into the side setback; and the encroachments of exterior staircases into the front and side setbacks will increase by up to six feet.

FINANCIAL IMPACT

In accordance with City Council Resolution No. 10,272 the Developer will receive credit in lieu of payment of the County/City Traffic Impact Fee in an amount matching the cost of off-site permanent improvements to Wooley Road (not including the costs associated with the usual and ordinary Public Works improvements to the project site such as curb/gutter/sidewalk, storm drains, utilities, etc.). The Developer will be eligible for reimbursement for any costs that may exceed the total County/City Traffic Impact Fee. Under the City's Circulation System Improvement Fund, only the permanent improvements to Wooley Road at ultimate width (not interim improvements) will be eligible for reimbursement.

The City would receive a payment to the In-Lieu Affordable Housing fee fund in the approximate sum of \$350,000 (i.e. \$5,000 per dwelling unit). The Community Development Commission approved Pre-Application No. 09-600-1 on April 21, 2009, authorizing the Developer to submit a payment for the affordable housing in-lieu fee. Quimby fees will be paid to compensate for off-site impacts on City parks, and Art in Public Places in-lieu fees will be paid to provide for future public art displays. This project will result in various financial benefits to the City including additional property taxes.

- Attachment 1 – Location Map
- 2 – Tentative Subdivision Map for Tract No. 5843 (revision dated 08/22/2011)
 - 3 – Site Plans for Coastal Development Permit (revision dated 08/22/2011)
 - 4 – City Council Resolution, Tentative Subdivision Map (PZ 09-300-01)
 - 5 – City Council Resolution, Coastal Development Permit (PZ 08-400-04)
 - 6 – City Council Resolution, Coastal Zone Variance (PZ 09-590-01)
 - 7 – Planning Commission Resolutions
 - 8 – Planning Commission Staff Report
 - 9 – Planning Commission Minutes
 - 10 – City Council Staff Report of September 28, 2010
 - 11 – City Council Minutes of September 28, 2010
 - 12 – Mitigation Monitoring & Reporting Program
 - 13 – Addendum to MND No. 09-03

Note: Attachment s #7 and 8 have been provided to City Council under separate cover. Copies for review are available at the Help Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting and in the City Clerk's Office after 8:00 a.m. on Monday prior to the Council meeting.

Vicinity Map



Vicinity Map



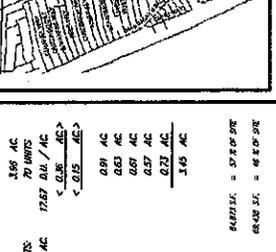
0 0.25 0.5 1 1.5 2 Miles



PZ 08-400-04
 Location: NE Harbor Bl & Wooley Rd.
 APN: 196003329
 The Shores Townhouses

ATTACHMENT /
 PAGE / OF /

NEIGHBORHOOD MAP



RECENTLY PARKING PROVIDED:

100 STALLS
100 STALLS
TOTAL RECENT PARKING PROVIDED = 200 STALLS

ADDITIONAL PARKING PROVIDED:

100 STALLS
100 STALLS
TOTAL ADDITIONAL PARKING PROVIDED = 200 STALLS
TOTAL PARKING PROVIDED = 400 STALLS

LAND USE DATA

TOTAL PROJECT AREA: 3.56 AC
 RESIDENTIAL TOWNHOUSE UNITS: 70 UNITS
 PROJECT DENSITY: 19.7 UNITS/AC
 WADSWORTH ROAD DEVIATION: 0.05 AC
 CANAL STREET DEVIATION: 0.05 AC

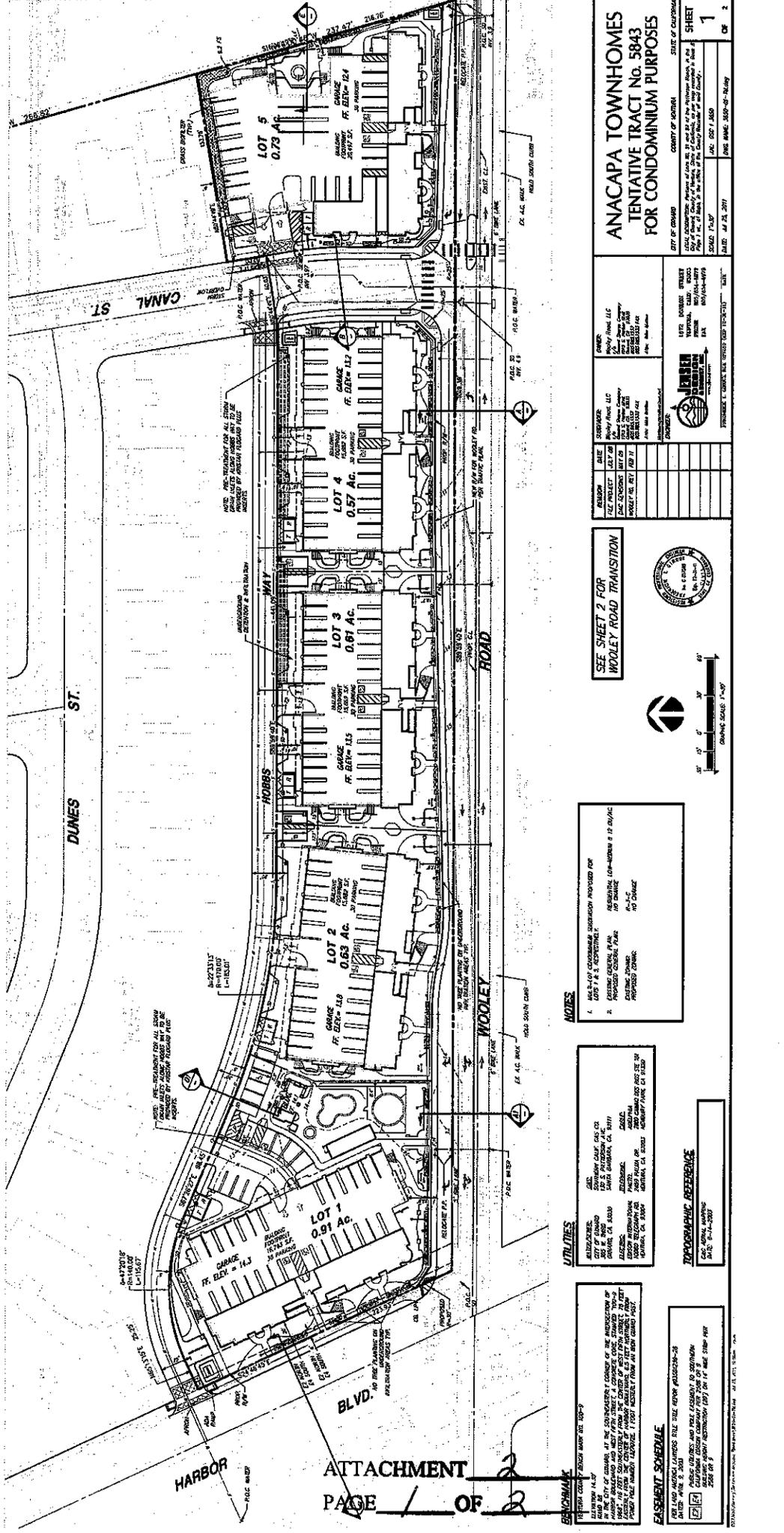
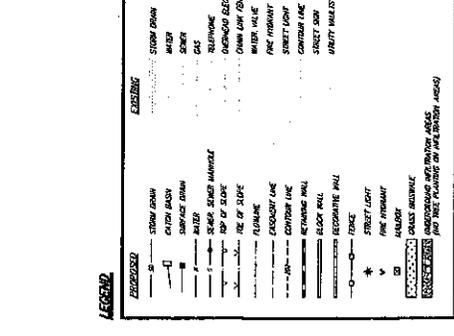
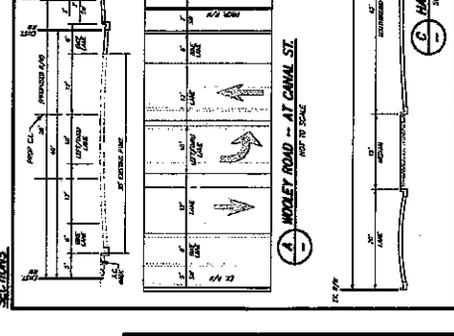
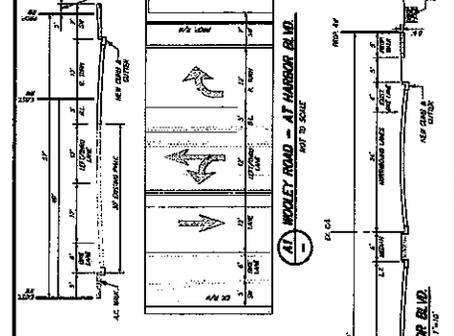
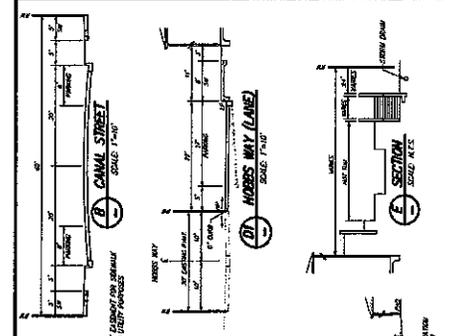
A. AREA - LOTS:
 LOTS 1-5: 0.91 AC
 LOTS 6-10: 0.81 AC
 LOTS 11-15: 0.81 AC
 LOTS 16-20: 0.81 AC
 TOTAL LOT AREA: 3.16 AC

B. AREA DATA:
 64,000 SQ. FT. = 1.47 AC
 68,000 SQ. FT. = 1.56 AC

C. AREA DATA:
 100 STALLS
 100 STALLS
TOTAL RECENT PARKING PROVIDED = 200 STALLS

ADDITIONAL PARKING PROVIDED:
 100 STALLS
 100 STALLS
TOTAL ADDITIONAL PARKING PROVIDED = 200 STALLS

TOTAL PARKING PROVIDED = 400 STALLS



ANACAPA TOWNHOMES
TENTATIVE TRACT NO. 5843
FOR CONDOMINIUM PURPOSES

CITY OF OAKLAND COUNTY OF ALABAMA STATE OF CALIFORNIA
 PROJECT NO. 2017-1-001
 SHEET 1 OF 2
 DATE: JAN 27, 2017
 PREPARED BY: [Firm Name]

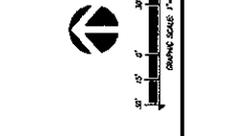
OWNER: [Firm Name]

DESIGNER: [Firm Name]

DATE: [Date]

SCALE: [Scale]

SEE SHEET 2 FOR WADSWORTH ROAD TRANSITION



NOTES:

- ALL UTILITIES SHOWN ARE APPROXIMATE LOCATIONS FOR INFORMATION ONLY. FIELD SURVEY IS REQUIRED FOR ACCURATE LOCATIONS.
- EXISTING CURB PLAN, AS SHOWN ON SHEET 2 IS TO BE MAINTAINED.
- EXISTING CURB PLAN TO BE MAINTAINED.
- EXISTING CURB PLAN TO BE MAINTAINED.

UTILITIES:

ALL UTILITIES SHOWN ARE APPROXIMATE LOCATIONS FOR INFORMATION ONLY. FIELD SURVEY IS REQUIRED FOR ACCURATE LOCATIONS.

EASEMENT SCHEDULE:

ALL EASEMENTS ARE TO BE MAINTAINED AND NOT TO BE REMOVED OR MODIFIED WITHOUT THE WRITTEN CONSENT OF THE CITY OF OAKLAND.

ATTACHMENT PAGE 1 OF 2

VARIANCES REQUESTED

BUILDING 1

- ① STAIRWAY PROJECTS INTO 5' FRONT YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 4' FOR A DISTANCE OF 26 FEET.
- ② NORTH-SOUTH CORNER OF BUILDING PROJECTS INTO 2' REAR YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 1' FOR A DISTANCE OF 26 FEET.

BUILDING 2

- ③ STAIRWAY PROJECTS INTO 5' FRONT YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 6' FOR A DISTANCE OF 19 FEET.
- ④ BUILDING PROJECTS INTO 2' REAR YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 1' FOR A DISTANCE OF 12 FEET.

BUILDING 3

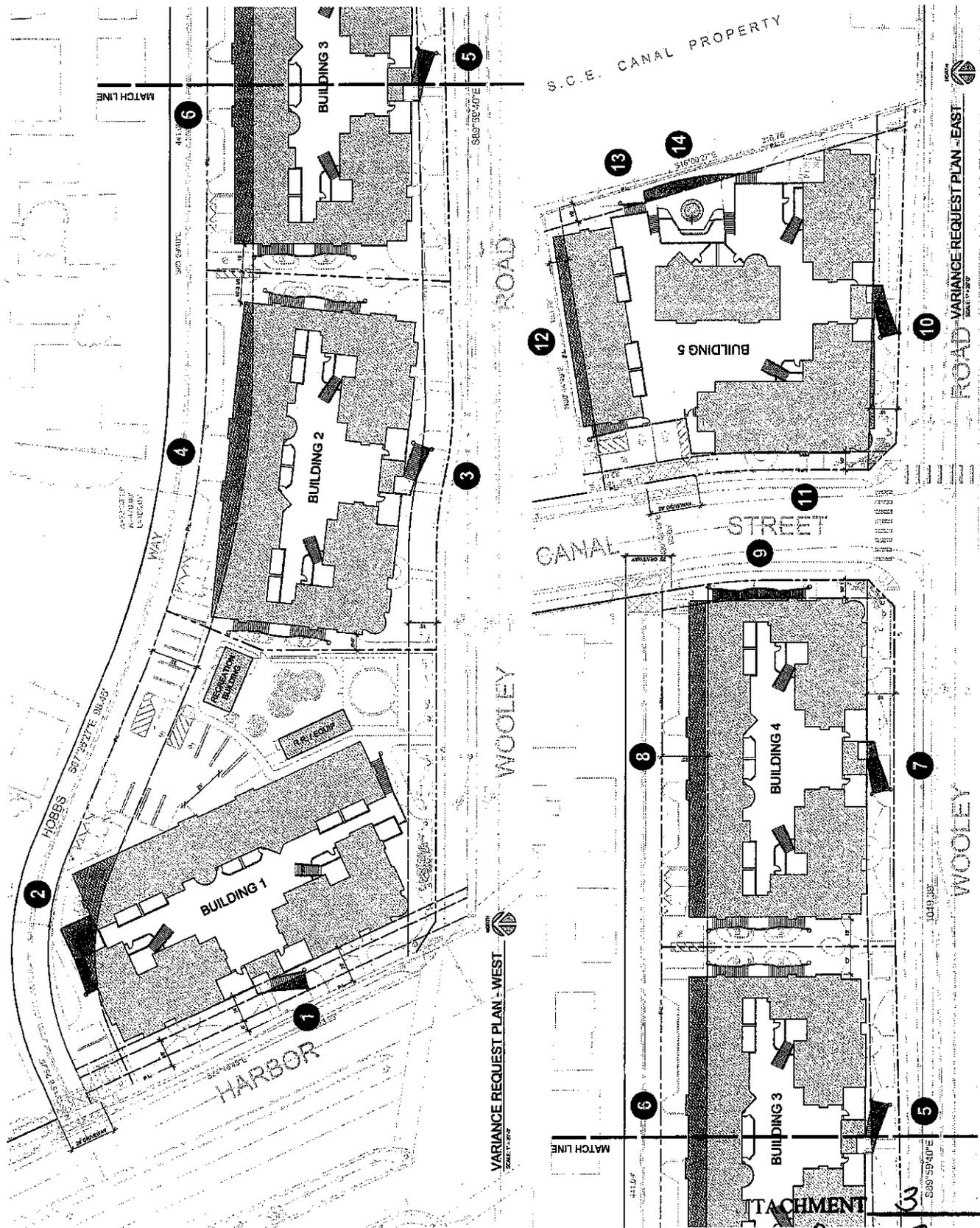
- ⑤ BUILDING PROJECTS INTO 5' FRONT YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 11'-3" FOR A DISTANCE OF 28 FEET.
- ⑥ BUILDING PROJECTS INTO 2' REAR YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 11'-3" FOR A DISTANCE OF 28 FEET.

BUILDING 4

- ⑦ STAIRWAY PROJECTS INTO 5' FRONT YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 11'-4" FOR A DISTANCE OF 28 FEET.
- ⑧ BUILDING PROJECTS INTO 2' REAR YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 11'-4" FOR A DISTANCE OF 28 FEET.
- ⑨ NORTH-EAST CORNER OF BUILDING AND STAIR PROJECT INTO 10' STREET SIDE YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 10'-7" FOR A DISTANCE OF 48 FEET.

BUILDING 5

- ⑩ STAIRWAY AND BUILDING PROJECT INTO 10' FRONT YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 15'-0" FOR A DISTANCE OF 122 FEET.
- ⑪ BUILDING PROJECTS INTO 10' STREET SIDE YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 15'-0" FOR A DISTANCE OF 122 FEET.
- ⑫ STAIRWAY AND BUILDING PROJECT INTO 10' SIDE YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 15'-0" FOR A DISTANCE OF 122 FEET.
- ⑬ STAIR PROJECTS INTO 10' SIDE YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 4'-2" FOR A DISTANCE OF 13 FEET.
- ⑭ COURTYARD WALL PROJECTS INTO 10' SIDE YARD SETBACK (OWNARD CITY CODE SEC. 17-14.2.5) FROM ZERO TO 25'-0" FOR A DISTANCE OF 57 FEET.



NO.	DATE	BY	FOR
1	10/15/20	J. SHAW	PREPARED
2	10/15/20	J. SHAW	REVISION
3	10/15/20	J. SHAW	REVISION
4	10/15/20	J. SHAW	REVISION
5	10/15/20	J. SHAW	REVISION

OXNARD SHORES COMPANY, LLC
 1015 S. WARDEN BLVD
 OXNARD, CALIFORNIA 93030
 TEL: 805.321.1111
 FAX: 805.321.1112



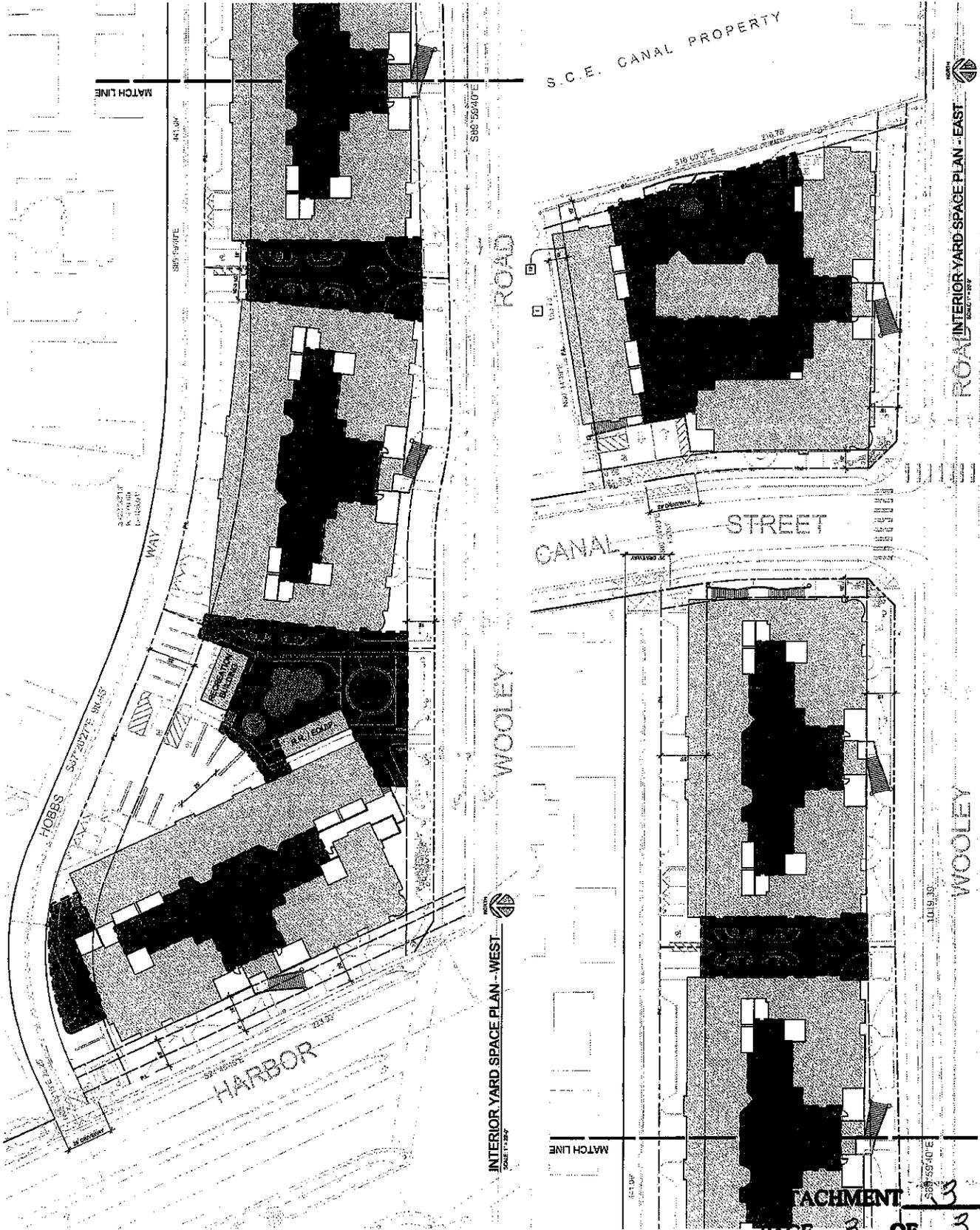
D R A P H I C S
 Architecture & Drafting
 400 Westwood Ave., Suite 101, Camarillo, CA 93010
 (805) 486-1111
 www.draftings.com

PROPOSED 70 UNIT TOWNHOME COMPLEX
THE ANACAPA TOWNHOMES
 WOOLEY ROAD, OXNARD, CA

P-2.1
 SHEET 3 OF 3

INTERIOR YARD SPACE

COLORED AREA INDICATES INTERIOR YARD SPACE PROVIDED PER OWING CITY CODE SECTION 17-14 D.4. BETWEEN BUILDINGS FROM FRONT TO REAR OF BUILDING INCLUDING PORTIONS OF PADJAM COURTYARDS (MIN. 10' DIMENSION)
 SITE AREA = 150,133 S.F.
 25% OF SITE AREA REQUIRED = 37,533 S.F.
 INTERIOR YARD SPACE PROVIDED = 36,541 S.F.



P-2.2

PROPOSED 70 UNIT TOWNHOME COMPLEX
THE ANACAPA TOWNHOMES
 WOOLEY ROAD, OWING, CA

Architect: David Barr
 Steven R. Harker
D R A P H I C S
 400 Riverside Ave., Suite 101, Oxnard, CA 93110
 info@draphtics.com (805) 386-8877 www.draphtics.com
 A/E/P ARCHITECTURE — PLANNING — DESIGN



OXNARD SHORES COMPANY, LLC
 0155 HARBOR ROAD
 OWING, CA 93123
 PHONE: 805 386-8800
 FAX: 805 386-8800

NO.	DATE	DESCRIPTION
1	11/11/11	ISSUED FOR PERMITS
2	11/11/11	ISSUED FOR PERMITS
3	11/11/11	ISSUED FOR PERMITS
4	11/11/11	ISSUED FOR PERMITS
5	11/11/11	ISSUED FOR PERMITS
6	11/11/11	ISSUED FOR PERMITS
7	11/11/11	ISSUED FOR PERMITS
8	11/11/11	ISSUED FOR PERMITS
9	11/11/11	ISSUED FOR PERMITS
10	11/11/11	ISSUED FOR PERMITS

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 09-300-01 (TENTATIVE SUBDIVISION MAP) FOR TRACT NO. 5843, TO SUBDIVIDE A 3.9 ACRE PROPERTY INTO FIVE PARCELS AND 70 AIR-RIGHTS CONDOMINIUM DWELLING UNITS, LOCATED AT THE NORTHEAST CORNER OF HARBOR BOULEVARD AND WOOLEY ROAD (APN 196-0-033-295), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY OXNARD SHORES COMPANY LLC, 1015 SOUTH HARBOR BOULEVARD, OXNARD, CA 93035.

WHEREAS, City Council has carefully reviewed Planning Commission Resolution No. 2010-16 recommending approval of Planning and Zoning Permit No. 09-300-01 for Tentative Tract Map No. 5843, for a 3.9-acre property located at the northeast corner of Harbor Boulevard and Wooley Road, filed by Oxnard Shores Company LLC; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the City Council considered the mitigated negative declaration adopted by the Planning Commission, together with any comments received during the public review process and the Addendum thereto, finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the project requires no further environmental review and further finds that the mitigated negative declaration reflects the independent judgment of the City; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning and Environmental Services Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission adopted Resolution No. 2010-16, approving and adopting Mitigated Negative Declaration No. 09-03 and the program of monitoring or reporting for the changes to the project made conditions of approval in order to mitigate or avoid significant effects on the environment, on file in the Planning Division, and the City Council considered the mitigated negative declaration as adopted by the Planning Commission and the Addendum thereto; and

WHEREAS, the City Council finds that the Tentative Map complies with all requirements of the Subdivision Map Act and the Oxnard City Code; and

WHEREAS, the City Council finds that the Tentative Map, the proposed site, and the design and improvement of the development requested are consistent with the General Plan; and

WHEREAS, the City Council finds that the proposed site is suitable for the type and density of development requested and is not likely to cause substantial environmental damage, serious public health problems or conflict with any publicly acquired easements or access; and

WHEREAS, the City Council finds that the proposed division of land complies with the requirements established by the Subdivision Map Act and Chapter 15 of the Oxnard City Code, including but not limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, future passive or natural heating or cooling opportunities, and environmental protection; and

WHEREAS, the City Council finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit, or live in this subdivision in particular.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that Tentative Subdivision Map for Tract No. 5843 is hereby approved, subject to the conditions set forth in Planning Commission Resolution No. 2010-16, and the following Development Services special conditions.

1. Developer shall design and construct interim Wooley Road improvements. Improvements shall accommodate one 12-foot wide driving lane in each direction, a painted center median that provides a 10-foot wide eastbound left-turn lane at Canal Street and a 12-foot wide westbound left turn lane at Harbor Boulevard. Bicycle lanes shall be constructed to accommodate 6-foot wide bicycle lanes in each direction between Harbor Boulevard and Canal Street and 5-foot wide bicycle lanes in each direction between Canal Street and 300-feet east of Chesapeake Drive. Pedestrian access shall be constructed to accommodate a minimum 7-foot wide sidewalk on the north side of Wooley Road along the project frontage. The existing 5-foot wide asphalt sidewalk on the south side of the road shall remain. The total improvement width on Wooley Road from the back of asphalt sidewalk on the south side of the street to back of sidewalk on the north side of the street shall vary between 57-feet at Harbor Boulevard to 56-feet at Canal Street. Wooley Road within 200 feet of the easterly leg of the Wooley Road and Harbor Boulevard intersection shall be designed to accommodate a 12-foot driving lane in each direction, a 12-foot wide westbound let turn lane, a 5-foot wide westbound through bicycle lane, a 6-foot wide eastbound bicycle lane and a 7-foot wide sidewalk on the north side of the street. Improvements between Chesapeake Drive and the project frontage shall be constructed by the Developer as required to provide standard traffic bicycle lane transitions. (TR)

2. Between Canal Street and the Edison Canal Bridge, the Developer shall provide a painted island separating opposing traffic that flairs from the existing centerline on the bridge to 8-foot wide approximately 50-feet east of the Canal Street centerline. Travel lanes between Canal Street and the bridge shall be 12-foot wide and the bicycle lane shall be a minimum of 5-foot wide with appropriate transitions between the new installation and the existing. The northerly bicycle lane striping shall conform to MUTCD standards with dashed striping for right turns into Canal Street beginning approximately 100-feet east of Canal Street. The east leg of Wooley Road at Canal Street shall include a 10-foot wide white ladder style crosswalk going north and south. To emphasize the crosswalk, the Developer shall install a flashing yellow solar powered beacon facing east and west at the center of the proposed 8-foot raised median island on Wooley Road. In addition, fluorescent yellow signs and white thermoplastic pavement markings that conform to MUTCD standards shall be installed in advance of the crosswalk which location shall be approved by the City Traffic Engineer. Developer shall also construct a raised concrete median (area of pedestrian refuge) on both sides of the striped crosswalk. Final design of roadway improvements including temporary transitions, shall be subject to approval by the City Traffic Engineer. Only roadway improvements that are permanent and will remain in place when Wooley Road is widened to its ultimate width are eligible for reimbursement under the City's Circulation System Improvement Fund. (TR)
3. Developer shall relocate traffic signal poles, adjust intersection striping, and modify existing signal equipment at the intersection of Harbor Boulevard and Wooley Road to accommodate required street improvements. Signal Poles and equipment must be placed in their ultimate location to be reimbursable under the City's Circulation System Improvement Fund. (TR)
4. Developer shall acquire, and dedicate to the City, all additional right-of-way required to encompass the construction of Wooley Road required by these conditions. (TR)
5. Engineering plans for offsite and frontage improvements, including but not limited to widening of Wooley Road, shall be approved by the Development Services Department prior to recordation of a Final Map. Concurrent with recordation of the final map, Developer shall provide security guaranteeing offsite and frontage improvements. Construction of offsite and frontage improvements shall be completed prior to occupancy of the first dwelling unit. All required improvements shall be implemented to the satisfaction of the Development Services Manager. (DS)
6. Developer shall obtain a coastal permit from the Coastal Commission, if applicable, for the widening of Wooley Road on the canal property within the permit jurisdiction of the Coastal Commission. (PL)

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF PLANNING AND ZONING PERMIT NO. 08-400-04 (COASTAL DEVELOPMENT PERMIT) TO ALLOW DEVELOPMENT OF 70 RESIDENTIAL CONDOMINIUM UNITS WITHIN FIVE BUILDINGS AND ASSOCIATED INFRASTRUCTURE INCLUDING STREETS, SIDEWALKS, UTILITIES AND LANDSCAPING ON A VACANT 3.9 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF HARBOR BOULEVARD AND WOOLEY ROAD (APN 196-0-033-295), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY OXNARD SHORES COMPANY LLC, 1015 SOUTH HARBOR BLVD., OXNARD, CA 93035.

WHEREAS, on August 5, 2010, the Planning Commission adopted Resolution No. 2010-15 approving Planning and Zoning Permit No. 08-400-04 to allow the development of 70 residential condominium dwelling units located at the northeast corner of Harbor Boulevard and Wooley Road, filed by Oxnard Shores Company LLC, in accordance with Section 17-57 *et seq.* of the Oxnard City Code; and

WHEREAS, the City Council has considered the appeal of the Planning Commission's decision filed by the Planning and Environmental Services Division, and carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application for a Planning and Zoning Permit No. PZ 08-400-04; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the City Council considered the mitigated negative declaration adopted by the Planning Commission, together with any comments received during the public review process and the Addendum thereto, finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the project requires no further environmental review and further finds that the mitigated negative declaration reflects the independent judgment of the City; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning and Environmental Services Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission adopted Resolution No. 2010-15, approving and adopting Mitigated Negative Declaration No. 09-03 and the program of monitoring or reporting for the changes to the project made conditions of approval in order to mitigate or avoid significant effects on the environment, on file in the Planning and Environmental Services Division, and the City Council considered the mitigated negative declaration as adopted by the Planning Commission and the Addendum thereto.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the Planning Commission's approval of Planning and Zoning Permit No. PZ 08-400-04 is upheld, subject to the conditions set forth in Planning Commission Resolution No. 2010-15, and the following Development Services special conditions.

1. Developer shall design and construct interim Wooley Road improvements. Improvements shall accommodate one 12-foot wide driving lane in each direction, a painted center median that provides a 10-foot wide eastbound left-turn lane at Canal Street and a 12-foot wide westbound left turn lane at Harbor Boulevard. Bicycle lanes shall be constructed to accommodate 6-foot wide bicycle lanes in each direction between Harbor Boulevard and Canal Street and 5-foot wide bicycle lanes in each direction between Canal Street and 300-feet east of Chesapeake Drive. Pedestrian access shall be constructed to accommodate a minimum 7-foot wide sidewalk on the north side of Wooley Road along the project frontage. The existing 5-foot wide asphalt sidewalk on the south side of the road shall remain. The total improvement width on Wooley Road from the back of asphalt sidewalk on the south side of the street to back of sidewalk on the north side of the street shall vary between 57-feet at Harbor Boulevard to 56-feet at Canal Street. Wooley Road within 200 feet of the easterly leg of the Wooley Road and Harbor Boulevard intersection shall be designed to accommodate a 12-foot driving lane in each direction, a 12-foot wide westbound let turn lane, a 5-foot wide westbound through bicycle lane, a 6-foot wide eastbound bicycle lane and a 7-foot wide sidewalk on the north side of the street. Improvements between Chesapeake Drive and the project frontage shall be constructed by the Developer as required to provide standard traffic bicycle lane transitions. (TR)
2. Between Canal Street and the Edison Canal Bridge, the Developer shall provide a painted island separating opposing traffic that flairs from the existing centerline on the bridge to 8-foot wide approximately 50-feet east of the Canal Street centerline. Travel lanes between Canal Street and the bridge shall be 12-feet wide and the bicycle lane shall be a minimum of 5-feet wide with appropriate transitions between the new installation and the existing. The northerly bicycle lane striping shall conform to MUTCD standards with dashed striping for right turns into Canal Street beginning approximately 100-feet east of Canal Street. The east leg of Wooley Road at Canal Street shall include a 10-foot wide white ladder style crosswalk going north and south. To emphasize the crosswalk, the Developer shall install a flashing yellow solar powered beacon facing east and west at the

center of the proposed 8-foot raised median island on Wooley Road. In addition, fluorescent yellow signs and white thermoplastic pavement markings that conform to MUTCD standards shall be installed in advance of the crosswalk which location shall be approved by the City Traffic Engineer. Developer shall also construct a raised concrete median (area of pedestrian refuge) on both sides of the striped crosswalk. Final design of roadway improvements including temporary transitions, shall be subject to approval by the City Traffic Engineer. Only roadway improvements that are permanent and will remain in place when Wooley Road is widened to its ultimate width are eligible for reimbursement under the City's Circulation System Improvement Fund. (TR)

3. Developer shall relocate traffic signal poles, adjust intersection striping, and modify existing signal equipment at the intersection of Harbor Boulevard and Wooley Road to accommodate required street improvements. Signal Poles and equipment must be placed in their ultimate location to be reimbursable under the City's Circulation System Improvement Fund. (TR)
4. Developer shall acquire, and dedicate to the City, all additional right-of-way required to encompass the construction of Wooley Road required by these conditions. (TR)
5. Engineering plans for offsite and frontage improvements, including but not limited to widening of Wooley Road, shall be approved by the Development Services Department prior to recordation of a Final Map. Concurrent with recordation of the final map, Developer shall provide security guaranteeing offsite and frontage improvements. Construction of offsite and frontage improvements shall be completed prior to occupancy of the first dwelling unit. All required improvements shall be implemented to the satisfaction of the Development Services Manager. (DS)
6. Developer shall obtain a coastal permit from the Coastal Commission, if applicable, for the widening of Wooley Road on the canal property within the permit jurisdiction of the Coastal Commission. (PL)

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF PLANNING AND ZONING PERMIT NO. 09-590-01 (COASTAL ZONE VARIANCE) TO ALLOW CONSTRUCTION OF 70 RESIDENTIAL CONDOMINIUM UNITS WITHIN FIVE BUILDINGS WITH THE FOLLOWING VARIANCES: EXTERIOR WALL AND STAIRWAY ENCROACHMENTS TO THE REQUIRED FRONT, SIDE AND REAR YARD SETBACKS AS SPECIFIED ON THE APPROVED SITE PLAN. LOCATED AT THE NORTHEAST CORNER OF HARBOR BOULEVARD AND WOOLEY ROAD (APN 196-0-033-295), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY OXNARD SHORES COMPANY LLC, 1015 SOUTH HARBOR BOULEVARD, OXNARD, CA 93035.

WHEREAS, on August 5, 2010, the Planning Commission adopted Resolution No. 2010-17 approving Planning and Zoning Permit No. 09-590-01 to allow the development of 70 residential condominium dwelling units with specified encroachments into the required front, side and rear setbacks as shown on the approved plans, located at the northeast corner of Harbor Boulevard and Wooley Road, filed by Oxnard Shores Company LLC, in accordance with Sections 17-57 through 17-58 and Sections 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the City Council has considered the appeal of the Planning Commission's decision filed by the Planning and Environmental Services Division, and carefully reviewed the decision of the Planning Commission; and

WHEREAS, the City Council has conducted a hearing and received evidence in favor of and opposed to the application for a Planning and Zoning Permit No. PZ 09-590-01; and

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Manager provided public notice of the intent of the City to adopt a mitigated negative declaration for this project, and the City Council considered the mitigated negative declaration adopted by the Planning Commission, together with any comments received during the public review process and the Addendum thereto, finds on the basis of the whole record before it (including the initial study and any comments received) that with the imposition of mitigation measures as conditions of approval, there is no substantial evidence that the project will have a significant effect on the environment, further finds that the project requires no further environmental review and further finds that the mitigated negative declaration reflects the independent judgment of the City; and

WHEREAS, the documents and other materials that constitute the record of proceedings upon which the decision to adopt the mitigated negative declaration is based is located in the Planning and Environmental Services Division of the City of Oxnard, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission adopted Resolution No. 2010-17, approving and adopting Mitigated Negative Declaration No. 09-03 and the program of monitoring or reporting for the changes to the project made conditions of approval in order to mitigate or avoid significant effects on the environment, on file in the Planning and Environmental Services Division, and the City Council considered the mitigated negative declaration as adopted by the Planning Commission and the Addendum thereto.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the Planning Commission's approval of Planning and Zoning Permit No. PZ 09-590-01 is upheld, subject to the conditions set forth in Planning Commission Resolution No. 2010-17.

PASSED AND ADOPTED this 20th of September 2011, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

MINUTES

OXNARD PLANNING COMMISSION
REGULAR MEETING
AUGUST 5, 2010

A. ROLL CALL

At 7:02 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Commissioners Sonny Okada, Patrick Mullin, Deirdre Frank, Chairman Randall Elliott, and Dale Dean were present. Chairman Elliott presided and called the meeting to order. Staff members present were: Chris Williamson, Principal Planner, Paul Wendt, Senior Civil Engineer; Jason Samonte, Traffic Engineer; Stephen Fischer, Assistant City Attorney; Doug Spondello, Assistant Planner; Linda Windsor, Associate Planner; Brian Foote, Associate Planner, and Lori Maxfield, Recording Secretary.

B. PUBLIC COMMENTS

C. READING OF AGENDA

Principal Planner Williamson reviewed the agenda, and stated that under Planning Manager Comments, he would give a status on the 2030 General Plan and Housing Element.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES – July 1, 2010

MOTION Commissioner Dean moved and Commissioner Okada seconded a motion to approve the minutes of July 1, 2010 as presented. The question was called and the motion carried 4-0-1-1, Commissioner Elliott abstaining, and Commissioner Medina absent.

E. CONTINUED PUBLIC HEARINGS

F. NEW PUBLIC HEARINGS

~~1. PLANNING AND ZONING PERMIT NO. 10-520-01 (Minor Special Use Permit) a request to permit the operation of a church (Life of Victory Worship Center), within an existing 3,328 square foot industrial suite. The project is located at 2041 Cabot Place, Unit B and includes a request for administrative relief to provide shared on-site parking. The proposed project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Designated Agent Elizabeth Callahan, 400 Esplanade Drive, Suite 301, Oxnard, CA 93036.
PROJECT PLANNER: Doug Spondello~~

Assistant Planner Spondello presented the staff report including surrounding uses; requested parking relief; parking agreement; and hours of operation. He also displayed the location and zoning maps; aerial view; site and floor plans; and site photos.

MOTION

Commissioner Frank moved and Commissioner Okada seconded a motion to continue PZ 10-510-05 to August 19, 2010. The question was called and the motion carried 5-0-1, Commissioner Medina absent.

3. PLANNING AND ZONING PERMIT NO. 10-510-08 (Special Use Permit - Alcohol) a request for a Special Use Permit to allow sale of beer, wine and spirits within a full-service restaurant to be operated by Buffalo Wild Wings, located at 1600 E. Gonzales Road at the southwest corner of Rose Avenue and East Gonzales Road, in the Rose Ranch Shopping Center, within the Northeast Community Specific Plan Area. The project is exempt from environmental review under Section 15301 of the CEQA Guidelines. Filed by Brian Engle, Lingle Design Group, Inc. 158 W. Main Street, Lena, IL 61048, on behalf of Buffalo Wild Wings Restaurant.
PROJECT PLANNER: Linda Windsor

Associate Planner Windsor presented the staff report including surrounding uses; outdoor dining; building approved through a minor modification of the center; Police concerned that no barrier exists between properties; fence provided on patio as a barrier to prevent passing of alcohol; no live entertainment on patio; and Police condition No. 17 revised to read: "Employees shall not be allowed to consume alcoholic beverages at any time during their shift. Employees shall not report to work with evidence of having consumed any intoxicants such as alcohol, illegal drugs or controlled substances."

Chairman Elliott opened the public testimony.

Mr. Ed Keegan, regional construction manager for Buffalo Wild Wings, gave a brief presentation including a description of the business; company was just beginning in California; dividing wall with a children's side; management attuned to use and sales of alcohol; agreed to all conditions; will employ 75 people; and described the layout of patio.

Chairman Elliott closed the public testimony.

MOTION

Commissioner Okada moved and Commissioner Frank seconded a motion to adopt a resolution granting PZ 10-510-08, a Special Use Permit to allow beer, wine, and spirits sales for on-site consumption with a 6,700 square foot restaurant (Buffalo Wild Wings Grill & Bar), located at 1600 East Gonzales Road, subject to certain findings and conditions. The question was called and the motion carried 5-0-1, Commissioner Medina absent.

4. PLANNING AND ZONING PERMIT NO. 08-400-04 (Coastal Development Permit), 09-300-01 (Tentative Subdivision Map) and 09-590-01 (Coastal Zone Variance), a request for approval of a Tentative Tract Map to create five parcels and subdivide for 70 air-rights condominium units; a Coastal Development Permit to construct five, multifamily, three-story structures with a total of 70 condominium dwelling units, parking garages, and pool and recreation amenities; and a Coastal Zone Variance to modify the front, side, and rear yard setbacks to permit architectural projections. The project site is a vacant 4-acre property located at the northeast corner of Harbor Boulevard and Wooley Road. In accordance with the California Environmental Quality Act (CEQA) Guidelines, a Mitigated Negative Declaration is proposed for this project. This project, if approved by the Planning Commission and City Council, would be appealable to the California Coastal Commission

per Section 17-58(K) of the Oxnard City Code. Filed by Mike Marlow, Oxnard Shores Co., LLC, 1015 S. Harbor Blvd., Oxnard, CA 93035.
PROJECT PLANNER: Brian Foote

Associate Planner Foote presented the staff report including surrounding uses; architecture; site currently vacant, and subject to 1988 development agreement that allows up to 70 dwelling units, and would expire 2015 or at time of development; City Council changed zoning to higher density; no potentially significant impacts were identified in the Mitigated Negative Declaration; and variance request were related to the setbacks. He also displayed the location, zoning, and tentative maps; aerial photo; site plan; elevations; interior open spaces; and floor plan.

Mr. Pete Weeger, representing Oxnard Shores Company, gave a brief presentation including surrounding uses; architecture; density; amenities; building types; parking; windows; lighting; stormwater runoff system; catch basin filtration; landscaping; and resource conservation elements. He also displayed the site plan; aerial photo of the neighborhood; and a video prospectus of the project.

Traffic Engineer Samonte indicated that he would look into both extending the deceleration lane on Wooley Road, and installing a traffic light at the intersection of Canal Street and Harbor Boulevard at Wooley Road.

Chairman Elliott opened the public testimony.

RECESS Chairman Elliott called a recess at 8:42 p.m. The meeting reconvened at 8:50 p.m. with all Commissioners present, except Commissioner Medina.

Ms. Cindy Eaves, spoke in opposition due to building height; traffic study was done prior to Seabridge and Westport developments; road should be widened; and shortage of visitor parking.

Mr. James Burke expressed concern regarding traffic issues; no walkways; noise created by construction occurring on weekends and early mornings; who would pay for damage done to neighboring homes created by dirt and dust during construction; and number of cars per residence should be regulated.

Mr. Greg Kenney, Chairman of the Oxnard Dunes Neighborhood, spoke in favor of the project, but was concerned about traffic safety; bike lane and traffic signal should be added on Wooley Road.

Ms. Maree Penhart stated her concerns regarding noise from the project and building height.

Ms. Gerry Moreno spoke in favor of the project, but was concerned about parking at the site, traffic on Wooley Road, and recommended a flashing light at Wooley Road and Canal Street.

Chairman Elliott closed the public testimony.

Planning Commission discussed the view from Hobbs Way; architecture; interior open space; conservation efforts; floor plans; elevations; traffic; future elementary school at Tradewinds Drive; bike safety; commended the public for attending community meetings on the project, and the

developer for listening to the public's concerns; and encouraged the City and developer to start addressing traffic and safety issues.

Principal Planner Williamson explained that during the General Plan process, noise studies were done around the City, and the corner of Wooley Road and Victoria Avenue already exceeded the City's standards of 65 decibels. Decksider Homes on the southeast corner were built without sound walls, so residents were already impacted by exceeded noise levels. The homeowner's association wrote to the City that they wanted to be advised of all projects that contribute traffic to Wooley Road and Victoria Avenue. The estimate from the homeowners' association to build a sound wall is \$100,000. The contribution of this project is approximately five percent of the \$100,000. So, it's a way to mitigate the noise impact because it's already a significant impact.

MOTION Commissioner Mullin moved and Commissioner Okada seconded a motion to adopt a resolution granting PZ 08-400-4 (Coastal Development Permit), to allow development of 70 attached condominium units within five buildings and associated infrastructure including streets, sidewalks, utilities, and landscaping on five proposed lots; a resolution granting PZ 09-590-01 (Coastal Zone Variance) to allow a reduction in the specified areas of the required front, side, and rear yard setbacks; and adopt a resolution recommending City Council approval of PZ 09-300-1 (Tentative Subdivision Map), to allow subdivision of approximately 3.9 acres of vacant land, located at the northeast corner of Harbor Boulevard and Wooley Road, subject to certain findings and conditions.. The question was called and the motion carried 5-0-1, Commissioner Medina absent.

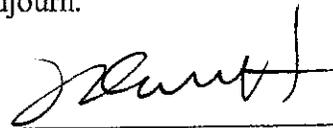
G. PLANNING COMMISSION BUSINESS

H. PLANNING MANAGER COMMENTS

Principal Planner Williamson discussed the status of the 2030 General Plan; Housing Element; and peaker plant. He indicated the last workshop on the General Plan would be held in September, regarding the Del Norte Extension and Jones Ranch; then it would go back to City Council. The Housing Element would be presented to the Planning Commission on August 19, 2010 with comments to be taken; then it would return to Planning Commission in September for recommended approval. The Superior Court ruled that the zoning allowed Southern California Edison to construct the peaker plant; and the City would decide by late September whether to appeal to decision.

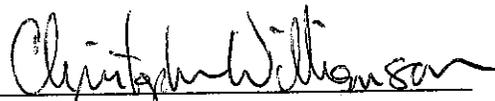
I. ADJOURNMENT

At 9:26 p.m., the Planning Commission concurred to adjourn.



Randall Elliott, Chairman

ATTEST:


Christopher Williamson, Secretary



Meeting Date: 9 / 28 / 2010

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Brian Foote AICP, Associate Planner ^{BF} Agenda Item No. L-2

Reviewed By: City Manager [Signature] City Attorney SMF Finance [Signature] Other (Specify) _____

DATE: September 20, 2010

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager [Signature]
Development Services Department

SUBJECT: **The Anacapa Townhomes Project – Planning & Zoning Permit Nos. 08-400-04 (Coastal Development Permit), 09-300-01 (Tentative Subdivision Map), and 09-590-01 (Coastal Zone Variance) Located at the Northeast Corner of Harbor Boulevard and Wooley Road. Filed by Oxnard Shores Co., LLC.**

RECOMMENDATION

That City Council:

1. Adopt a resolution upholding the Planning Commission’s approval of the Coastal Development Permit (PZ No. 08-400-04) for the Anacapa Townhomes project, subject to the conditions set forth in Planning Commission Resolution No. 2010-15; and
2. Adopt a resolution approving the Tentative Subdivision Map for Tract 5843 (PZ No. 09-300-01) for the Anacapa Townhomes project, subject to the conditions set forth in Planning Commission Resolution No. 2010-16; and
3. Adopt a resolution upholding the Planning Commission’s approval of the Coastal Zone Variance (PZ No. 09-590-01) for the Anacapa Townhomes project, subject to the conditions set forth in Planning Commission Resolution No. 2010-17.

DISCUSSION

The subject site is a vacant parcel, consisting of 3.96 gross acres, located at the northeast corner of Harbor Boulevard and Wooley Road within the City’s Coastal Zone (see Attachment 1). A coastal development permit is requested for five, multi-family, three-story structures with a total of 70 condominium units. A tentative map is requested to subdivide the property into five lots plus 70 condominium dwelling units. A coastal zone variance is requested to modify the development standards for specified portions of the front, side, and rear yard setbacks to permit architectural projections, stairways, and structure walls. The proposal otherwise conforms to the coastal zoning and coastal land use plan designations for the subject property.

This property is encumbered by a Development Agreement between the City of Oxnard and the Oxnard Shores Company that was approved by Ordinance No. 2159 on April 19, 1988, allowing the applicant to construct 70 condominium dwelling units on the subject property. On July 5, 1988, the City Council adopted Ordinance No. 2169 changing the zone for the subject property from R-2-C to R-3-C in order

to accommodate the density of development envisioned in the Development Agreement. The Development Agreement expires at the completion of development and no later than year 2015. The current project, if approved as proposed, will implement the Development Agreement.

At the Planning Commission hearing on August 5, 2010, five residents attended to express concerns about the proposed structure height with three stories, traffic volume and speeds on Wooley Road near the site, shortage of on-street parking in the Dunes neighborhood, and dust control during construction. Two of the five public speakers commented favorably about the project as a whole and the proposed architecture. The Commissioners commented favorably on the architecture, site design, and future property values. The Commissioners acknowledged the public's concerns about existing and future traffic along Wooley Road, the density and height of the project, and future bike lanes. The Commission was strongly in favor of the project overall, and also commended the developer for being responsive to the residents and community.

The Planning Commission unanimously adopted Resolution Nos. 2010-15 and 2010-17, approving the coastal development permit and coastal zone variance, respectively. The Planning Commission unanimously adopted Resolution No. 2010-16, recommending that the City Council approve the proposed tentative map. The Planning Commission also adopted a mitigated negative declaration (MND No. 09-03) in accordance with the California Environmental Quality Act (CEQA). Mitigation measures are included in the project and no potentially significant environmental impacts were identified, including traffic/circulation, biological resources, noise, air quality, and hazardous materials. The Planning Commission staff report, resolutions, and minutes are attached (see Attachments 6, 7, 8).

FINANCIAL IMPACT

The City would receive a payment to the In-Lieu Affordable Housing fee fund in the approximate sum of \$350,000 (i.e. \$5,000 per dwelling unit). The Community Development Commission approved Pre-Application No. 09-600-1 on April 21, 2009, authorizing the developer to submit an affordable housing payment. Traffic impact fees will be paid to compensate for impacts on local roads, Quimby fees will be paid to compensate for off-site impacts on City parks, and Art in Public Places in-lieu fees will be paid to provide for future public art displays. This project will result in various financial benefits to the City including additional property taxes.

- Attachment 1 - Location Map
2 - Tentative Subdivision Map for Tract No. 5843
3 - City Council Resolution, Tentative Subdivision Map (PZ 09-300-01)
4 - City Council Resolution, Coastal Development Permit (PZ 08-400-04)
5 - City Council Resolution, Coastal Zone Variance (PZ 09-590-01)
6 - Planning Commission Minutes
7 - Planning Commission Resolutions
8 - Planning Commission Staff Report

Note: Attachments 7 and 8 have been provided to the City Council under separate cover. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on Thursday prior to the Council meeting, and at the City Clerk's Office after 8:00 a.m. on the Friday prior.

MINUTES

OXNARD CITY COUNCIL
Regular Meeting
September 28, 2010

A. ROLL CALL/POSTING OF AGENDA

At 7:02 p.m., the regular meeting of the Oxnard City Council convened in the Council Chambers concurrently with the Community Development Commission. Councilmembers Thomas E. Holden, Andres Herrera, Dean Maulhardt, Irene G. Pinkard and Bryan A. MacDonald were present. The City Clerk stated that the agenda was posted on Thursday in the Library and City Clerk's Office. Mayor Holden presided and called the meeting to order.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

C. CLOSED SESSION

D. OPENING CEREMONIES

The meeting opened with the pledge of allegiance to the flag of the United States, followed by a moment of silence. Staff members present were: Daniel Martinez, City Clerk; Edmund Sotelo, City Manager; Karen Burnham, Assistant City Manager; Alan Holmberg, City Attorney; Matthew Winegar, Development Services Director; Michelle Tellez, Human Resources Director; William "Bill" Wilkins, Housing Director; Curtis P. Cannon, Community Development Director; Sue Martin, Planning and Environmental Services Manager; and Martin Erickson, Legislative Affairs Manager.

~~E. CEREMONIAL CALENDAR~~

- ~~1. SUBJECT: Commendation Presented to Kay Swenson for over Seventeen Years of Outstanding Service to the City of Oxnard.
DISCUSSION: Kay Swenson thanked the Council, co-workers and introduced her husband who is also a former City employee.~~
- ~~2. SUBJECT: Presentation of a Proclamation Designating the Month of October, 2010, as "Multicultural Month."
DISCUSSION: Martha Guillen thanked the sponsors/volunteers who help make the event possible and invited everyone to the event.~~

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Marvin Cayou, global climate and various items.

Ernest Stein, non-profit organizations, dumping along Teal Club Road and placement of political signs.

Trisha Munro, Del Norte annexation, against future development of Jones Ranch and need to study future sea level rise.

DISCUSSION: Bert Perello again questioned the Strouble Street drainage. The Development Services Director stated his belief that the Strouble Street drainage issue was in court and was about to be resolved.

ACTION: Close the public hearing. (Holden/Maulhardt) Approved as recommended. (Herrera/Holden) Ayes: Herrera, Maulhardt, Pinkard, MacDonald, and Holden.

L. PUBLIC HEARINGS

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

Development Services Department

1. SUBJECT: Appeal of Planning and Zoning Permit No. 10-520-01 (Special Use Permit), Life of Victory Worship Center, 2041 Cabot Place. Filed by: Danielle Keys. (057)

RECOMMENDATION: Adopt a resolution granting the appeal and approving the Planning and Zoning Permit No. 10-520-01.

DISCUSSION: The Planning and Environmental Services Manager reviewed the proposed shared parking schedule and established parking hours.

The following individuals questioned parking and the impact to other businesses: Mory Navarro; Bert Perello; and Inez Tuttle.

ACTION: Close the public hearing. (Holden/Herrera) The City Council concurred to return this item to the Planning Commission.

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

2. SUBJECT: The Anacapa Townhomes Project – Planning & Zoning Permit Nos. 08-400-04 (Coastal Development Permit), 09-300-01 (Tentative Subdivision Map), and 09-590-01 (Coastal Zone Variance) Located at the Northeast Corner of Harbor Boulevard and Wooley Road. Filed by Oxnard Shores Co., LLC. (087)

RECOMMENDATION: 1) Adopt a resolution upholding the Planning Commission’s approval of the Coastal Development Permit (PZ No. 08-400-04) for the Anacapa Townhomes project, subject to the conditions set forth in Planning Commission Resolution No. 2010-15; 2) Adopt a resolution approving the Tentative Subdivision Map for Tract 5843 (PZ No. 09-300-01) for the Anacapa Townhomes project, subject to the conditions set forth in Planning Commission Resolution No. 2010-16; and 3) Adopt a resolution upholding the Planning Commission’s approval of the Coastal Zone Variance (PZ No. 09-590-01) for the Anacapa Townhomes project, subject to the conditions set forth in Planning Commission Resolution No. 2010-17.

DISCUSSION: The Planning and Environmental Services Manager briefly reviewed the proposed development including parking, traffic, and density. The Development Services Director reviewed the street improvements and widening of bridge.

Mitch Kahn, attorney for Oxnard Shores Company, stated that that were no building conditions placed on the site.

The following individuals expressed concerns with the development: Pat Brown; Daniel Lechliter; Edward Casillo and Inez Tuttle.

The City Council discussed road conditions, parking, and bridge.

ACTION: Close the public hearing. (Holden/Herrera) The City Council concurred to continue to October 19, 2010 unanimously.

Mayor Holden opened the public hearing. The City Clerk reported on publication and that there were no written communications received.

3. SUBJECT: The Cuesta Del Mar Affordable Housing Project – Planning & Zoning Permit Nos. 10-570-02 (Zone Change), 10-535-01 (Density Bonus), and 10-540-01 (Planned Development) Located at 610 Cuesta Del Mar Drive. Filed by McCarthy Companies, agent for the Housing Authority of the City of Oxnard. (103)

RECOMMENDATION: 1) Adopt **Resolution No. 13,918** approving the Density Bonus (PZ No. 10-535-01) for the Cuesta Del Mar housing project, subject to the conditions set forth in Planning Commission Resolution No. 2010-23; 2) Adopt **Resolution No. 13,919** upholding the Planning Commission’s approval of the Planned Development (PZ No. 10-540-01) for the Cuesta Del Mar housing project, subject to the conditions set forth in Planning Commission Resolution No. 2010-22; and 3) Approve the first reading by title only and subsequent adoption of **Ordinance No. 2831** approving a Zone Change (PZ No. 10-570-02) from R-3-PD to R-4-PD for the Cuesta Del Mar housing project, subject to the conditions set forth in Planning Commission Resolution No. 2010-24.

DISCUSSION: The Planning and Environmental Services Manager outlined the proposed development and zone change. Kathy Wilson, Housing Department, reviewed building codes, building plans, and parking requirements.

The following individuals expressed concerns with the planned design of the building: Bert Perello; Pat Brown and Inez Tuttle.

ACTION: Close the public hearing. (Holden/Herrera) Approved as recommended. (Herrera/Pinkard) Ayes: Pinkard, MacDonald, Holden, Herrera, and Maulhardt.

M. REPORT OF CITY MANAGER

1. SUBJECT: Update on the Early Retirement Incentive Program. (119)
RECOMMENDATION: Receive an update on the Early Retirement Incentive Program.
DISCUSSION: The Chief Financial Officer and Human Resources Director reviewed the current status of the program.

Bert Perello questioned the rehiring of retired employees.

ACTION: Provided comments and direction to staff.

N. CITY COUNCIL BUSINESS COMMITTEE REPORTS

1. SUBJECT: Strategies Based on Recent Inquiries from the District Attorney. (131)

MITIGATION MONITORING & REPORTING PROGRAM

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code §21081.6). The Mitigation Monitoring and Reporting Program (MMRP) is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Initial Study/Mitigated Negative Declaration, specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the MMRP.

In order to implement this MMRP, the City of Oxnard will designate a Project Mitigation Monitoring and Reporting Coordinator ("Coordinator"). The coordinator will be responsible for ensuring that the mitigation measures incorporated into the project are complied with during project implementation. The coordinator will also distribute copies of the MMRP to those responsible agencies identified in the MMRP, which have partial or full responsibility for implementing certain measures. Failure of a responsible agency to implement a mitigation measure will not in any way prevent the lead agency from implementing the proposed project.

The following table will be used as the coordinator's checklist to determine compliance with required mitigation measures.

Anacapa Townhomes Project – MND 09-03
Mitigation Monitoring & Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
AIR QUALITY						
<p>C-1 The developer shall prepare and submit an Air Emissions Mitigation Plan for Dust Control. This Plan shall be included as part of the construction contract and submitted to the City of Oxnard for review and approval prior to the issuance of grading permits. This plan shall include the following elements:</p> <ul style="list-style-type: none"> Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering. Revegetate or apply APCD-approved chemical soil stabilizers to all inactive portions of the construction site that are inactive for four or more days. Suspend or curtail all excavation, earth moving, and grading operations during episodes of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties) to prevent fugitive dust from being a nuisance or hazard. Material transported in trucks off site shall comply with State Vehicle Code Section 23114, with special attention to §23114(b)(F), (e)(2), (e)(4) as amended. Material transported on site shall be sufficiently watered or secured to prevent fugitive dust. Inform all employees involved in grading operations on the project to wear face masks during dry periods to reduce inhalation of dust. Signs shall be posted on-site requiring traffic speeds to not exceed 15 miles per hour. Sweep streets at the end of the day if visible soil material is carried over to adjacent streets and roads. 	<p>Verification of inclusion of specified practices during all phases of grading and construction to control dust</p>	<p>Once for review of construction plans prior to issuance of grading permit; field verification during grading and construction</p>	<p>Once for review of construction plans; field verification periodically throughout grading and construction</p>	<p>BES</p>		

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<ul style="list-style-type: none"> At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. 						
<p>C-2 Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications. Minimize idling time. Prohibit the use of on-site electric generators, and connect to utility lines adjacent to the project site.</p>	Verification during grading and construction to minimize emissions	Once for review of construction plans prior to issuance of grading permit; field verification during grading	Once for review of construction plans; field verification periodically throughout construction	BES		
<p>C-3 If feasible, use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric.</p>	Verification during grading and construction to minimize emissions	Once for review of construction plans prior to issuance of grading permit; field verification during grading	Once for review of construction plans; field verification periodically throughout construction	BES		
<p>C-4 During construction, contractors shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities.</p>	Verification of compliance during grading activities	Field verification during grading	Field verification periodically throughout construction	BES		
<p>C-5 A temporary fence around the project site shall include an opaque visual barrier up to 6 feet high. The fence shall include signs identifying the name, telephone number, and emergency contact information for the contractor(s) responsible for the site, construction activities, and rectifying any nuisance conditions.</p>	Verification of compliance during grading activities	Field verification during grading	Field verification periodically throughout construction	BES		
<p>C-6 Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements.</p>	Verification of compliance during the plan check process	Prior to issuance of a grading permit	Once prior to issuance of a grading permit	BES		

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<p>C-7 As stated in the APCD Guidelines, applicants are required to mitigate environmental impacts associated with their projects to the greatest extent feasible. The following are those measures that could be feasibly implemented to mitigate operational phase air quality impacts of the proposed project:</p> <ul style="list-style-type: none"> Lighting for public streets, parking areas, and recreational areas shall utilize energy-efficient mechanical, computerized, or photo cell switching devices to reduce energy usage. Energy-efficient, automated controls for air conditioners shall be installed into proposed buildings to reduce energy consumption and emissions. Automatic lighting on/off controls and energy-efficient lighting shall be installed into proposed buildings to reduce electricity consumption and associated emissions. Light-colored roofing materials as opposed to dark roofing materials shall be used on proposed buildings. Light colored materials reflect sunlight and minimize heat gains in buildings. This measure would lessen the overall demand for mechanical air conditioning systems. Wall and attic insulation shall be provided in proposed buildings beyond the requirements of Title 24, <i>California Code of Regulations</i>. Built-in energy-efficient appliances shall be installed into proposed buildings. Special sunlight filtering window coatings or double-paned windows shall be installed into proposed buildings to reduce thermal gain in hot weather and loss in the cold weather, thus reducing emissions associated with heaters and air conditioners. 	<p>Verification of compliance during the plan check process</p>	<p>Prior to issuance of a building permit</p>	<p>Once prior to issuance of a building permit</p>	<p>OPD, BES</p>		
<p>C-8 The design of the swimming pool building shall incorporate solar panels to the maximum extent feasible for pool water heating.</p>	<p>Verification of compliance during the plan check process</p>	<p>Prior to issuance of a building permit</p>	<p>Once prior to issuance of a building permit</p>	<p>OPD, BES</p>		

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Anacapa Townhomes Project – MND 09-03
Mitigation Monitoring & Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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C-9 All project construction and site preparation operations shall be conducted in compliance with all applicable Ventura County APCD Rules and Regulations with emphasis on Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive dust), and Rule 10 (Permits Required).	Verification of compliance during the plan check process	Prior to issuance of a grading permit	Once prior to issuance of a grading permit	OPD, BES		
BIOLOGICAL RESOURCES						
D-1 The developer shall avoid grubbing or grading the site during the breeding season (i.e. February 15 through August 31) as the preferred mitigation. If avoidance is not feasible and grubbing/grading will occur during the breeding season, then the project site and adjacent open space areas shall be surveyed by a qualified biologist for the presence of nesting birds prior to removal of vegetation. The developer shall be required to submit a report documenting the findings of the site survey to the Planning Division for review and approval. The site survey shall be conducted within 30 days of the beginning of any grubbing/grading activity. If any active nests are detected, then a 300-foot buffer (or as otherwise deemed appropriate by the biological monitor in consultation with the City and CDFG) shall be placed around the nest site until the nestlings have successfully fledged.	Verification of compliance during the plan check process	Prior to issuance of a grading permit	Once prior to issuance of a grading permit	OPD, BES		
D-2 Focused pre-construction surveys for the Least Bell's Vireo (LBV) will be conducted in suitable habitat within 500 linear feet of construction activities. The surveys will follow agency protocol as to survey methodology (i.e. time of day and climatic conditions). However, a modified survey schedule is appropriate given the site-specific circumstances. Therefore, surveys of the area within 500 feet of construction activities and the area where LBV has been reported will be initiated if commencement of construction is to occur during the breeding season for the species (April 10 to July 31). If no LBV are detected within 500 feet of the construction activities during any of the three survey bouts, no further action is required. If, however, LBV are detected within 500 feet of construction activities, CDFG and the U.S. Fish & Wildlife Service (USFWS) will be contacted to determine what, if any, actions need to be	Verification of compliance during the plan check process	Prior to issuance of a grading permit	Once prior to issuance of a grading permit	OPD, BES		

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Anacapa Townhomes Project – MND 09-03
Mitigation Monitoring & Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>taken to avoid adverse effects on the species. Such actions, if necessary, may include one or more of the following: phasing the construction activities to avoid certain construction activities within 500 feet of occupied LBV habitat until after the breeding season has ended; noise monitoring; and nest monitoring. If LBV is detected in suitable habitat farther away than 500 feet, these areas will be monitored during each of the three survey bouts so as to gain assurances that occupied habitat remains more than 500 feet from construction activities. The findings of the surveys will be documented and submitted to the City within 10 days of completion, as well as CDFG and USFWS as applicable.</p>	<p>Verification of compliance during the plan check process</p>	<p>Prior to issuance of a grading permit</p>	<p>Once prior to issuance of a grading permit.</p>	<p>OPD, BES</p>		
<p>D-3 Prior to the initiation of construction activities, a temporary silt fence will be installed along the project site's easterly boundary to prevent ingress of Silvery Legless Lizards (SLL) onto the site for the duration of construction activities. The fencing will be keyed into the ground to a depth of at least three inches. Preconstruction surveys for SLL will then be conducted within areas of the site that could be used by the species. The surveys will be conducted according to the following protocol provided by CDFG.</p> <p>Surveys will be conducted on a warm day (70 to 80 degrees Fahrenheit) in the mid-morning and no longer than two weeks prior to the commencement of soil disturbance activities. Relative soil moisture should be approximately 65% to 80% with soil temperature being 60 to 70 degrees Fahrenheit. Two person teams will work together with one person using a hand rake to gently rake the loose litter and soil down to substrate. The other person will search the areas being raked for SLL.</p> <p>Surveys will employ a "three-pass" methodology to locate as many SLL as possible. If SLL are found during the first pass, an overnight period of no disturbance will occur before the second pass. Similarly, if SLL are found during the second pass, another overnight period of no disturbance will occur before the third pass. If during any pass no SLL are found, the</p>						

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>survey will be concluded.</p> <p>Any SLL found will be placed in a lidded, vented box containing clean sand. Areas of moist and dry sand will be present in the box. Boxes will be kept out of direct sunlight and protected from temperatures over 72 degrees Fahrenheit. The temperatures of the sand in the box will be kept under 66 degrees Fahrenheit. Information on each lizard captured will be recorded, including date of capture, location, length, color, age, and tail condition. All lizards will be relocated to suitable off-site habitat the same day as capture. GPS location of released lizards will be recorded. CDFG will be notified about any injured SLL.</p> <p>All work will be performed by personnel who hold active permits from CDFG in order to conduct the work. At the conclusion of the surveys, documentation of survey results and associated records will be submitted to the City within 10 days of completion, as well as to CDFG.</p>						
CULTURAL RESOURCES						
<p>E-1 Based on the recognized sensitivity for the occurrence of buried sites and artifacts and as mandated by the City of Oxnard archaeological guidelines, Developer shall pay for monitoring by a qualified Archaeologist and Native American Monitor (specifically a qualified Venturoso Chumash descendant). A contract with the Archaeologist shall be presented to the City prior to issuance of grading permits. Monitoring shall be required during all activity involving soil disturbance including grading (cut and fill) or other excavation (e.g., trenching). Should movement of soils during grading for re-compaction activities show no evidence of an archaeological site or artifacts, and with the concurrence of the City of Oxnard Planning and Environmental Services Division and the on-site Native American Monitor, further monitoring at this location by the Archaeologist may no longer be required. In the event that a prehistoric site or historic remains older than 50 years is identified during monitoring, the Archaeologist</p>	<p>Verification of compliance during the plan check process</p>	<p>Prior to issuance of a grading permit</p>	<p>Once prior to issuance of a grading permit</p>	<p>OPD, BES</p>		

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>and/or Native American Monitor shall be empowered to stop all construction activities in the vicinity of the find. The Archaeologist shall document, identify, and evaluate the potential significance of any find. Such evaluation may require a Phase II site subsurface excavation and evaluation program. Should any remains prove to be significant, avoidance of the resource is the preferred mitigation. If avoidance through project redesign is not feasible, further investigations in the form of a Phase III data recovery program will be implemented to mitigate impacts to the identified resource. The Native American Monitor shall remain on-site throughout any necessary site documentation, evaluation, and mitigation processes.</p> <p>Contracts shall include weekly reports from the archaeological monitor to the Planning Division summarizing the Archaeologist's activities during the reporting period. A copy of the contract for these services shall be submitted to the Planning and Environmental Services Manager for review and approval prior to issuance of any grading permits. The monitoring report(s) shall be provided to the Planning Division prior to approval of final building occupancy for each building.</p>						
GEOLOGY & SOILS						
<p>F-1 The developer shall be required to incorporate a mat foundation into each building according to the recommendations of the <i>Preliminary Soils Engineering Investigation, Portions of Lots 90, 91 and 92 of the Patterson Ranch</i> (by Subsurface Designs, Inc. November 28, 2008). A pile foundation shall be prohibited.</p>	<p>Verification of compliance during the plan check process</p>	<p>Prior to issuance of a grading permit</p>	<p>Once prior to issuance of a grading permit.</p>	<p>OPD, BES</p>		

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Anacapa Townhomes Project – MND 09-03
Mitigation Monitoring & Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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HYDROLOGY						
H-1 Developer shall submit a Storm Water Pollution Prevention Plan (SWPPP) to demonstrate compliance with National Pollutant Discharge Elimination System (NPDES) requirements prior to issuance of building permits.	Verification of a SWPPP.	Prior to issuance of a grading permit; and monitoring during grading activities.	Once prior to issuance of grading permit; and continuous monitoring during grading.	BES		
H-2 Prior to issuance of any permits, the Developer shall submit documentation agreeing to indemnify and hold the City of Oxnard harmless from any liability or damages resulting from the construction of the project.	Verification of Hold Harmless Agreement recordation	Prior to issuance of a building permit	Once during plan check	OPD, BES		
NOISE						
K-1 The developer shall be required to incorporate a mat foundation into each building according to the recommendations of the <i>Preliminary Soils Engineering Investigation, Portions of Lots 90, 91 and 92 of the Patterson Ranch</i> (by Subsurface Designs, Inc. November 28, 2008) A pile foundation shall be prohibited.	Verification during plan check	Prior to the issuance of a grading or site improvement permit	Once during plan check	BES		
K-2 Prior to issuance of the first Certificate of Occupancy, the applicant shall contribute \$4,875 to a designated City fund for the Deckside Villas that is to be used only for soundwall-related expenses.	Verification of fee payment	Prior to the issuance of a building permit	Once during plan check	OPD, BES		
K-3 Prior to issuance of the first Certificate of Occupancy, the developer shall record on all properties an Avigation Easement granting the County of Ventura an Avigation Easement for the operation of the Oxnard Airport. The Avigation Easement shall be consistent with the FAA model Avigation Easement.	Verification of easement recordation	Prior to the final sign-off of building permit	Once during plan check	OPD, BES		

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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PUBLIC SERVICES						
M-1 Prior to issuance of any building permits, the developer shall pay the mandatory impact fees to the school district and present evidence of payment.	Verification of fee payment	Prior to the issuance of a building permit	Once during plan check	BES		
M-2 Prior to issuance of any building permits, the developer shall pay the mandatory Quimby Fee.	Verification of fee payment	Prior to the issuance of a building permit	Once during plan check	OPD, BES		
M-3 Prior to issuance of any building permits, the Developer shall pay the following mandatory development impact fees: <i>Planned Traffic Circulation System Facilities Fees</i> (Traffic Impact); <i>Planned Water Facilities Fee</i> ; <i>Planned Wastewater Facilities Fee</i> ; <i>Planned Drainage Facilities Fee</i> ; and <i>Growth Requirement Capital Fee</i> .	Verification of fee payment	Prior to the issuance of a building permit	Once during plan check	OPD, BES		
RECREATION						
N-1. The developer shall be required to pay the mandatory Quimby Fee prior to issuance of any building permits.	Verification of fee payment	Prior to the issuance of a building permit	Once during plan check	OPD, BES		
TRAFFIC & TRANSPORTATION						
O-1 Developer shall dedicate to the City the Right-of-Way along Wooley Road and Harbor Blvd. associated with the road widening under this project.	Verification during Final Map review	Prior to approval of a Final Map	Once during Final Map review	BES		
O-2 Developer shall modify the traffic signal at Wooley Rd/Harbor Blvd. associated with the proposed road widening. The signal modification shall include provision of a traffic signal battery back-up system, new service equipment enclosure and emergency vehicle detection system.	Verification during plan check	Prior to the issuance of a site improvement permit	Once during plan check	BES		
O-3 Developer shall design and reconstruct the curb ramp at the southeast corner of Wooley Rd and Harbor Blvd. The redesign shall comply with disabled access requirements and address the sand accumulation problem at the ramp.	Verification during plan check	Prior to the issuance of a site improvement permit	Once during plan check	BES		

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O-4 Developer shall place existing overhead utility lines (except electrical lines in excess of 33KV) on and adjacent (as defined in City ordinance) to the project (including Wooley Road, Harbor Boulevard and the canal easterly of the project) underground in accordance with City ordinance. Before issuance of a site improvement permit or recordation of a final map, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation.	Verification during plan check	Prior to the issuance of a site improvement permit	Once during plan check	BES		
O-5 Developer shall install a wireless, solar powered, in-pavement crosswalk warning light system on the easterly leg of the Wooley Road/Canal Street intersection along with associated striping and signage, including advanced warning signage and markings, to enhance the safety for pedestrian crossing of Wooley Road. Final design of the crosswalk warning light system to be approved by the City Traffic Engineer.	Verification during plan check	Prior to the issuance of a site improvement permit	Once during plan check	BES		
O-6 Developer shall design the walls at the entry and exit gate of the Ground Parking Level of Buildings 1 and 4 to provide additional corner visibility similar to that provided on Buildings 2 and 3. Final design shall be approved by the City Traffic Engineer.	Verification during plan check	Prior to the issuance of a building permit	Once during plan check	BES		
O-7 Developer shall pay the applicable County/City Traffic Impact Fee(s) prior to issuance of a building permit.	Verification of fee payment	Prior to the issuance of a building permit	Once during plan check	BES, OPD		
UTILITIES & SERVICE SYSTEMS						
P-1 The developer shall pay the applicable Calleguas Capital Construction charges prior to issuance of a building permit.	Verification of fee payment	Prior to the issuance of a building permit	Once during plan check	BES		

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Addendum to
Mitigated Negative Declaration No. 09-03
(State Clearinghouse No. 2010011069)

Anacapa Townhomes Project
Planning & Zoning Permit Nos. 08-400-4, 09-300-1 & 09-590-1

prepared by:
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214 South C Street
Oxnard, California 93030

Summary

This document is an addendum to Mitigated Negative Declaration (MND) No. 09-03 being considered by the City Council on September 20, 2011, for the Anacapa Townhomes project (Planning & Zoning Permit Nos. 08-400-4, 09-300-1, 09-590-1). The revisions contemplated by the project developer ("Revised Project") entail acquiring a right-of-way easement over a narrow portion of the Edison Canal property to the east of the project site, to permit widening of Wooley Road by approximately three feet on the north side and construct improvements required by the City's Traffic Engineering Division. This addendum concludes that there are no new or more severe significant adverse effects associated with the Revised Project currently under consideration.

Project Description

The applicant, Oxnard Shores Co. LLC, has requested approval of a Tentative Tract Map (PZ No. 09-300-1), Coastal Development Permit (PZ No. 08-400-4). And Coastal Zone Variance (PZ No. 09-590-1) to construct 70 attached condominium dwelling units on a vacant 3.9-acre property located at the northeast corner of Harbor Boulevard and Wooley Road.

Mitigated Negative Declaration (MND) No. 09-03 previously analyzed the proposed project which had substantially the same site plan and improvements. In response to comments and guidance provided by the City Council on September 28, 2010, the proposed project now includes the following changes: additional widening of Wooley Road at Canal Street to accommodate turn pockets into Canal Street, as well as traffic lanes and bike lanes with adequate widths; and revised on-site parking, landscaping, and structure footprints to accommodate the widening of Wooley Road. The current project does not qualify for exemption from environmental review, and therefore, is subject to the California Environmental Quality Act (CEQA). If approved by the City Council, the proposed widening of Wooley Road along the north side of the street on the canal property (i.e. adjacent to the southeast corner of the project site) would result in the developer acquiring a roadway easement approximately three feet in width immediately east of the project site. The 3-foot wide strip of canal property was not previously included in the project Initial Study/MND No. 09-03, and the environmental review must be revised to include the affected portion of canal property.

California Environmental Quality Act (CEQA)

According to Section 15164 of the *CEQA Guidelines*, an addendum to a previously adopted Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR) is the appropriate environmental document in instances when minor changes to an approved project are necessary (in this case approval is pending), and no conditions exist that would trigger a subsequent MND or EIR. An addendum does not need to be re-circulated for public review and comment, but must be considered by the decision-making body prior to making a decision on the project. The following is a brief explanation of the decision not to prepare a subsequent MND pursuant to CEQA Section 15162.

CEQA Section 15162(a) identifies three tests to determine if a subsequent MND or EIR is required. If conditions do not meet any of the three tests, then an addendum is the appropriate environmental document. The tests are:

1. Substantial changes to the project lead to new significant effects or a substantial increase in the severity of previously identified significant effects; or,
2. Substantial changes occur with respect to the circumstances under which the project is undertaken due to new significant effects or a substantial increase in the severity of previously identified significant effects; or,
3. New information of substantial importance that was not known or could not have been known at the time of MND adoption or EIR certification shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration; or,
 - b. Significant effects previously examined will be substantially more severe than previously estimated; or,
 - c. Mitigation measures or alternatives previously found not to be feasible would now be feasible and would substantially reduce significant effects of the project, but the project proponents decline to accept the mitigation measure or alternative; or,
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous MND or EIR would substantially reduce significant environmental effects, but the project proponents decline to accept the mitigation measure or alternative.

1. In the first test contained in CEQA Section 15162(a)(1), the proposed project would not result in any new significant effects or a substantial increase in the severity of previously identified effects. The consultant biologist and the City's contract biologist have reviewed the proposed changes, and concur that no new information has arisen in terms of new significant effects or a substantial increase in the severity of previously identified effects.
2. In the second test contained in CEQA Section 15162(a)(2), staff has determined that circumstances surrounding the project have not substantially changed with regard to issues, facts, and mitigations included in the Anacapa Townhomes MND No. 09-03. The consultant biologist and the City's contract biologist have reviewed the proposed changes, and concur that circumstances have not changed in terms of the environmental effects of the project. The project has not substantially changed from that evaluated by the MND, and the environmental circumstances have not changed.
3. In the third test contained in CEQA Section 15162(a)(3), staff has determined that no new information of substantial importance has become available since the time of MND adoption. The developer's consultant biologist and the City's contract biologist have reviewed the proposed changes, and concur that no new information has arisen in terms of the environmental circumstances of the project site. Therefore, none of the four criteria in Section 15162(a)(3) are triggered.

Conclusion

The current proposal does not have any potentially significant environmental effects that meet any of the three tests identified in CEQA Section 15162(a), and therefore, an addendum to MND No. 09-03 may be adopted pursuant to CEQA Section 15164. All mitigation measures identified in MND No. 09-03 are included herein by reference, and no additional or new mitigations are necessary. The proposed design of the structures, site layout, engineering, and improvements have been reviewed by the City of Oxnard as part of the Coastal Development Permit and Tentative Subdivision Map applications. All current development standards pertaining to engineering design, drainage, site improvements, landscaping, lighting control, etc., are applicable to the project. All current development standards contained in City Code Chapter 15 (Subdivision Regulations) and Chapter 17 (Coastal Zoning) are applicable to the project.

The previously-adopted Mitigated Negative Declaration, with comments and MMRP, and the record of project approval may be examined at the City of Oxnard Planning Division, 214 South C Street, Oxnard, California 93030. Please call (805) 385-7858 to review the file.

Susan L. Martin, AICP
Planning Division Manager

Date